

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:

Case No: B-18-80495

Everette Quixote Hurley

Debtor

**MOTION BY BANKRUPTCY ADMINISTRATOR FOR
ORDER DENYING DISCHARGE OF DEBTOR**

NOW COMES the U.S. Bankruptcy Administrator for the Middle District of North Carolina (“BA”) and hereby moves the Court for entry of an order denying the discharge of Everette Quixote Hurley, on the grounds that the Debtor is ineligible for a discharge pursuant to 11 U.S.C. § 1328(f)(1). In support hereof, the BA respectfully shows unto the Court as follows:

1. The Debtor herein filed this petition pro-se under a Chapter 13 of the Bankruptcy Code on July 6, 2018.
2. The petition was filed without schedules and statements. A missing document notice was mailed to the Debtor on July 9, 2018, allowing until July 20, 2018 to file those documents.
3. Upon information and belief, on March 5, 2018, the Debtor filed a Chapter 7 case in this District (Case 18-80162). The Debtor’s discharge was entered on June 11, 2018.
4. The Debtor was granted a discharge under section 727 of the Code in a case that was commenced under Chapter 7 within 4 years before the date of the filing of the petition in the Chapter 13 case; therefore, the Debtor is ineligible for a discharge in this Chapter13 case pursuant to 11 U.S.C. § 1328(f)(1).

WHEREFORE, the BA respectfully requests:

- (A) That the court enter an order denying the discharge of Debtor on the grounds that they are ineligible for a discharge pursuant to 11 U.S.C. § 1328(f)(1); and
- (B) That the Court grant such other and further relief as the court deems just and proper.

This the 17th day of July, 2018.

WILLIAM P. MILLER, ESQ.
U.S. BANKRUPTCY ADMINISTRATOR

By s/ Robert E. Price, Jr.
Robert E. Price, Jr.
Assistant U. S. Bankruptcy Administrator
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CERTIFICATE OF SERVICE

This is to certify that, on this date, the foregoing document was served upon the following parties or counsel by depositing a copy following by first class mail or by electronic service through CM/ECF:

Everette Q. Hurley
P.O. Box 592
Dunnlevel, NC 28323

Brock & Scott, PLLC

via electronic filing

DATED: July 17, 2018

s/ Traci Galloway
Traci Galloway
Bankruptcy Analyst